

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

Department of Consumer Affairs
Medical Board of California
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**SPEECH-LANGUAGE PATHOLOGY PRACTICE COMMITTEE MEETING MINUTES
OCTOBER 27, 2005**

Committee Members Present

Lisa O'Connor, M.A., Chairperson
Carol Murphy, M.A.
Jennifer Hancock, M.A.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Candace Raney, Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel

Committee Members Absent

Diana Verdugo M.S.

Board Members Present

Marcia Raggio, Ph.D., Chairperson
Rebecca Binge, M.A.
Alison Grimes, Au.D.

Guests Present

Robert Ivory, Audiologist California Academy of Audiology
Robert Powell, California Speech-Language-Hearing Association
Patti Solomon-Rice, Patti Solomon-Rice, M.A. and Associates
Jo Ann Janhunen, American Speech-Language-Hearing Association
Ellen C. Fagan, American Speech-Language-Hearing Association
Jean Piette, JP Educational Services
Gayle E. Hicks, Neurodynamics, Inc.
Richard Ikeda, Health For All

I. Call to Order

Chairperson O'Connor called the meeting to order at 1:38 p.m.

II. Introductions

Those present introduced themselves.

III. Discussion of Speech-Language Pathology Assistant Registration

A. Equivalency Standards for Clinical Experience Complete Completed at Undergraduate and/or Graduate Speech-Language Pathology Training Programs.

Ms. O'Connor provided a summary of the issue and stated that there is currently a handful of individuals enrolled in speech-language pathology graduate programs who are interested in pursuing a license as a speech-language pathology assistant (SLPA) and who would like to apply 70 or more of the graduate clinical practicum hours toward the SLPA fieldwork experience requirement. She stated that, after discussing the issue with Ms. Del Mugnaio, she learned that this scenario may result in individuals with dual licensure: one as an independent practitioner, and the other as a registered paraprofessional. This may be confusing to the public and create governance issues.

Ms. Del Mugnaio stated that existing regulations do not include graduate level clinical experience as acceptable toward SLPA registration requirements; however, a strong argument can be made that the clinical hours at the graduate level are essentially the same hours that would be offered during the undergraduate training. She stated that this is a timing issue and not a content or equivalency consideration, as some training programs offer a portion of the clinical hours as undergraduate study, while others offer the hours at the graduate level.

B. Speech-Language Pathology Assistants Pursuing Permanent Licensure – Potential for Dual Licensure Status

Ms. Del Mugnaio explained that she had previously consulted with legal counsel regarding the issue of dual licensure in cases where an individual holds an SLPA registration and then applies to the Board for a permanent license. She stated that she inquired whether the Board had the authority or obligation to cancel the SLPA registration prior to issuing a permanent license and was informed by Mr. Ritter that the Board did not have the authority to cancel or revoke a license in such situations. He stated that either a regulatory, or possibly statutory, change must be pursued to exercise such powers.

The Committee continued the discussion regarding the potential impact of issuing dual licensure to individuals who hold both independent and assistant licenses. The Committee agreed that the potential for confusion in terms of representation to the public and in determining professional liability is a public protection issue.

The Committee voted to recommend to the Board that Mr. Ritter research the type of legal provisions necessary for the Board to prohibit an individual from holding both an independent license and a paraprofessional registration and, further, to request that Mr. Ritter develop draft language to provide the Board with such authority.

C. Utilization of Assistants in the Public Schools

Ms. O'Connor stated that, since the changes to the federal Individuals with Disabilities Education Act (IDEA) provisions under the definition of "The Highest Qualified Provider" eliminated speech-language pathologists, she is aware that some school districts are resorting to using SLPAs as independent practitioners and are assigning SLPAs their own caseloads. She stated that this is an obvious violation of the Board's laws and regulations. She suggested that the Board consider sending a letter to school district superintendents and Special Education Local Plan Area (SELPA) directors educating the administrators on the appropriate use of SLPAs as provided for in the Board's laws and regulations.

Mr. Powell commented that several factors should be considered regarding the issue of SLPAs working in the public school system. He stated that the federal prohibition on issuing waivers to school personnel, along with serious personnel shortage issues, have prompted the Department of Education to research other options for providing critical services. He suggested that one option is utilizing licensed paraprofessionals, such as SLPAs, which provides employment opportunities and recognition to this relatively new licensure category that has not been fully embraced by the public education system. He further suggested that, after the first of the year, more information should be available regarding the federal regulations to implement the new IDEA changes and how such regulations will impact the State Department of Education provisions.

Mr. Powell stated that, until recently, the school districts used untrained aides and were not receptive to paying higher hourly wages to trained paraprofessionals, as funding was scarce. However, when special education provisions mandated that paraprofessionals undergo formal training, it prompted the schools to look to registered SLPAs as a provider option.

The Committee did not recommend that a letter be sent to all school districts regarding the use of SLPAs at this time, but decided to revisit the issue in early 2006 and further track the development of the IDEA Federal Regulations.

Ms. Del Mugnaio reminded the Committee that all of the pertinent information regarding SLPAs is available on the Board's website, which is a valuable resource to registered SLPAs who may have been approached by their employer to carry out duties that are either in violation of the law or for which they have not been trained to perform.

Ms. Del Mugnaio suggested that information regarding the use of SLPAs in the public schools should be explored and communicated in the sunset review report.

Mr. Powell stated that there will be a new state director of special education after January 1, 2006. A meeting with the new director may provide an opportunity for the Board to dialogue with the State Department of Education on over-lapping personnel issues.

III. Discussion of the Board's Role in Monitoring Professional Services Relating to Speech, Language, and Swallowing Provided By Professionals of Other Disciplines, including Behavior Analysts (Behaviorists), Educational Therapists, Registered Dietitians, and Others

Ms. O'Connor provided background regarding the information that has been transmitted to the Board by various sources describing how each of these professionals listed on the agenda have overlapping responsibility with that of speech-language pathologists. She stated that, in some cases, there may be incidents of unlicensed activity when professionals who are not regulated by the state engage in protected practices.

Ms. O'Connor referenced documents provided by the Board of Behavioral Sciences (BBS) wherein the BBS addressed the issue of overlap between educational therapists and educational psychologists and sent letters of concern to colleges offering educational therapy certification programs. The letters enforce that the training provided reflects duties and responsibilities of an educational psychologist and, therefore, should not be offered as coursework leading to a certification under another title.

Mr. Powell noted that educational therapists have been recognized in federal special education laws as interventionists for academic training.

Ms. Murphy stated that the Association of Educational Therapy (AET) website advertises that educational therapists provide language processing therapy. She commented that diagnosis and treatment of language disorders is the practice of speech-language pathology and, thus, there is an overlap which is confusing to the public in terms of how to differentiate between the credentials of a speech-language pathologist and that of an educational therapist.

Mr. Powell stated that federal Title 1 provisions identified schools that must fund private therapists to address language and educational issues. He asserted that there is a great deal of overlap in professional services in areas of language development, language disorders, and reading intervention, and that the Board may have a difficult time enforcing laws that speech-language pathologists are the only practitioners who can treat language problems. He suggested that providing information and education to the public regarding the education and background of speech-language pathologists may be the most productive approach. He stated that Ms. Murphy and Ms. O'Connor have produced an informational brochure for CSHA.

Ms. Del Mugnaio referenced documents included in the Board packets wherein the Board sent correspondence in 2003 to the AET informing the organization of potential misleading statements made by their members and requesting the organization to assist in educating their members about the applicable speech-language pathology scope of practice provisions and the representation of professional services. She stated that the AET was receptive.

Ms. Murphy inquired whether the diagnosis of language or speech disorders can be performed by other professionals who are not licensed as speech-language pathologists.

Mr. Ritter stated that more information would be required regarding the particular scenario before a conclusive decision could be reached.

Ms. Del Mugnaio inquired whether the Committee is addressing the issue because it is creating a consumer protection problem or whether it is about defining the distinct roles of educational therapists and speech-language pathologists. She suggested that if it has more to do with the latter, then it may be helpful to invite the AET to a Board meeting to begin that dialogue.

Ms. O'Connor explained that there is a looming consumer protection issue as children may be misdiagnosed by an untrained professional and may not ever receive the appropriate intervention.

Ms. O'Connor suggested that the educational therapy curriculum should be examined so that we have more information prior to meeting with other parties.

M/S/C: Murphy/Hancock

The Committee voted to recommend to the Board that Ms. O'Connor and Ms. Murphy gather information regarding the curriculum of the educational therapy certificate programs and present such information at the next scheduled Speech-Language Pathology Practice Committee meeting.

There being no further discussion, Chairperson O'Connor adjourned the meeting at 2:50 p.m.